

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

DEC 19 2008

FILED

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

NATIONAL PREARRANGED
SERVICES, INC.,

RESPONDENT.

CONSENT ORDER

CAUSE NO. A-1802

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Joel F. Green, and National Prearranged Services, Inc. ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to NEB. REV. STAT. §§44-101.01 and 44-4047 ET SEQ. (Reissue 2004). Said jurisdiction and control have been present at all times material hereto.

2. Respondent is a licensed insurance agency operating in the State of Nebraska whose registered business address is 10 S. Brentwood Boulevard, Suite 304, St. Louis, Missouri 63105.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a Petition and Notice of Hearing styled State of Nebraska Department of Insurance vs. National Prearranged Services, Cause Number A-1802 on November 21, 2008. A copy of the

Petition and Notice of Hearing was served upon Respondent at 10 S. Brentwood Boulevard, Suite 304, St. Louis, Missouri 63105, for service of process by certified mail, return receipt requested.

2. The Petition and Notice of Hearing contained the following allegations:

- a. That on or around September 17, 2008, the State of Missouri Department of Insurance, Financial Institutions and Professional Registration filed an administrative action against Respondent entitled, In the Matter of National Prearranged Services, Inc., Case No. 08-0717442C, whereby Respondent agreed to permanently surrender its business entity producer license in the state of Missouri through revocation of said license.
- b. That as a result of the aforementioned administrative action taken by the State of Missouri and the revocation of Respondent's business entity producer license in the State of Missouri, Respondent violated NEB. REV. STAT. §§44-4059(1)(b) and 44-4059(1)(i)

3. In the spirit of cooperation and in order to avoid further expense, loss of time and disruption of Respondent's operations in the state, the Respondent enters into this Consent Order freely and voluntarily. Respondent was informed of its right to a public hearing. Respondent waives its right to a hearing and acknowledges that by doing so, Respondent also waives its right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits to the allegations set forth in the Petition and Notice of Hearing as referenced in Paragraph 2, and is willing to amicably resolve all pending matters in order to avoid the uncertainty and expense of litigation. Furthermore, both Respondent and the Department agree that Respondent, by admitting to the allegations contained herein, is not relieved from any duties, contractual or otherwise, to which it is currently subject to.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of NEB. REV. STAT. §§44-4059(1)(b) and 44-4059(1)(i) and is subject to disciplinary action pursuant to NEB. REV. STAT. §44-4059.

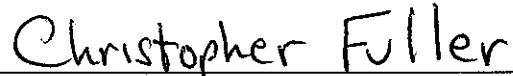
CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, National Prearranged Services, Inc., that Respondent permanently surrender its insurance agency license through revocation of said license.

The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling Respondent or the Department to make application for such further orders as may be necessary.



JOEL F. GREEN, #22900
Attorney for Petitioner
941 O Street, Suite 400
Lincoln, NE 68508
(402) 471-2201



National Prearranged Services, Inc.,
(Name of Authorized Representative)

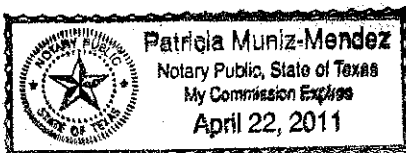
By: 
(Signature of Authorized Representative)

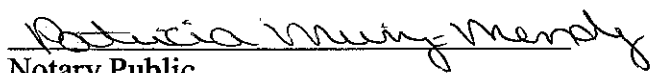
18 DECEMBER 2008
Date

12/3/08
Date

State of _____)
County of _____) ss.

On this 3rd day of December, 2008, Christopher Fuller as authorized representative of National Prearranged Services, Inc., personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his/her voluntary act and deed.




Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. National Prearranged Services, Inc., Cause No. A-1802.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Ann M. Frohman
ANN M. FROHMAN
Director of Insurance

12-19-08
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ^{Consent Order} ~~Petition~~ was served upon the Respondents by sending a copy to the Respondents' business address at 10 S. Brentwood Boulevard, Suite 304, St. Louis, Missouri 63105, via certified mail on this 19 day of December, 2008.

I hereby further certify that a copy of the foregoing ^{Consent Order} ~~Petition~~ was provided to Chris Fuller, legal counsel for the Special Deputy Receiver appointed by the State of Texas Department of Insurance to manage the affairs of Respondent, by electronic mail at cfuller@fullerlaw.org on this 19 day of December, 2008.

Tracy A. Smith